IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.26073 of 2008

AJAY MUMAR @ GANDHI RAM & ORS
Versus
STATE OF BIHAR

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2. 31.7.2008 Heard the learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in connection with Udwantnagar P.S. Case No.50/08 for the alleged offences registered under sections 307, 380, 376/511 of the Indian Penal Code.

It is submitted on behalf of the petitioners that petitioner no.1 is Sarpach and petitioners no.2 and 3 are Teachers, who are his supporters in the Gram Panchayat election. It is further submitted that the present case has been lodged for ulterior purpose since petitioner no.1 even before lodging of the present case, filed a complaint case against the Officer-in-Charge of the Police Station concerned for his harassment on account of the dispute arising out of his election as Sarpach in which the Officer-in-Charge was the supporter of the defeated candidate. It is further submitted that on perusal of the public

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petition enclosed with the supplementary affidavit, as contained in Annexure 3, it would appear that the informant of the present case had encroached upon the public land and on filing of such petition addressed to petitioner no.1 the informant filed the present false case against the petitioners.

Considering the above, it is directed that petitioners no.1 to 3, namely, Ajay Mumar @ Gandhi Ram, Brinda Ram and Ram Ashish Ram, respectively, in the event of their arrest or surrender in connection with Udwantnagar P.S. Case No.50/08, within a period of four weeks from today, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhojpur, Ara, in connection with the aforesaid case, on the conditions mentioned in sub-section (2) of section 438 of the Code of Criminal Procedure.

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PNM **(Shailesh Kumar Sinha, J.)**